

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BLUE ANGEL FILMS, ET AL,

Plaintiffs,

v.

08 Civ. 6469 (DAB) (JCF)  
ADOPTION OF REPORT  
AND RECOMMENDATION

FIRST LOOK STUDIOS, INC.,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the July 8, 2013 Report and Recommendation of United States Magistrate Judge James C. Francis IV ("Report"). The Report recommends that Plaintiffs be awarded damages in the amount of \$212,500.00 and prejudgment interest in the amount of \$97,301.73, plus additional interest at the rate of \$52.40 per day from July 8, 2013 until the date judgment is entered. The Report also recommends that Plaintiffs' request for an Order rescinding the contract be denied. For the reasons set forth below, the Court having conducted the appropriate level of review, Judge Francis' Report shall be ADOPTED in its entirety.

I. Objections to the Report and Recommendation

A. Standard of Review of a Report and Recommendation

A district judge may designate a magistrate judge to submit proposed findings of fact and recommendations for dispositive

motions, including a motion for summary judgment. 28 U.S.C. § 636(b)(1)(B); accord Fed. R. Civ. P. 72(b)(1). "Within fourteen days after being served with a copy [of a magistrate judge's report and recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). A court may adopt those portions of the report to which no timely objection has been made, as long as there is no clear error on the face of the record. DiPilato v. 7-Eleven, Inc., 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009).

A district court must review de novo "those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). However, "to the extent that the party makes only conclusory or general arguments, or simply reiterates the original arguments, the Court will review the Report strictly for clear error." DiPilato, 662 F. Supp. 2d at 339 (citation and alterations omitted). After conducting the appropriate levels of review, a court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1).

B. Plaintiffs' Objections to the Report

Plaintiffs filed a timely Objection to the Report, only objecting to the Report's recommendation to deny the request for an order rescinding the contract. Defendant did not respond.

On February 14, 2013, this Court referred this matter to Judge Francis "to conduct an inquest regarding the plaintiffs' damages, lawful interest and costs to resolve any discovery issues connected to the plaintiffs ascertaining, accounting and calculating their damages." ECF No. 159. A magistrate judge's jurisdiction is limited to the scope of the reference entered by the District Court. See 28 U.S.C. § 636(b)(1). The designation did not include granting rescission of the contract. Thus, the Report correctly denied Plaintiffs' rescission request.

The Court has also reviewed the unopposed Recommendations for clear error and finds none.

II. CONCLUSION

Having conducted the appropriate level of review of the Report and Recommendation of United States Magistrate Judge James C. Francis IV, it is hereby ORDERED AND ADJUDGED as follows:

(1) The Report and Recommendation of United States Magistrate Judge James C. Francis IV dated July 8, 2013 be and

the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

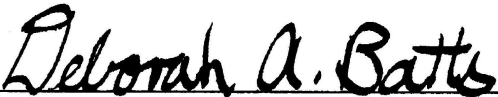
(2) Pursuant to Magistrate Judge Francis's recommendation, the Clerk of the Court is directed to enter judgment against Defendant and in favor of Plaintiffs in the amount of \$309,801.73 for the remaining balance due on the contract and interest, as well as additional interest in the amount of \$52.40 per day from July 8, 2013 until the date judgment is entered; and

(3) The Clerk of the Court is directed to close the docket in this matter.

SO ORDERED

DATED: New York, New York

September 25, 2013

  
Deborah A. Batts  
United States District Judge